

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

November 21, 2005
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Bruce DeBlieck, Denis Anderson, Cindy Swenson, Rick Fagerlie, Jim Dokken, and Steven Gardner; Present 8, Absent 1 – Council Member Ron Christianson was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of November 7, Municipal Utilities Commission Minutes of November 14, Planning Commission Minutes of November 9, Pioneerland Library Board Minutes of September 15, Housing and Redevelopment Authority Board Minutes of October 11, and Zoning Appeals Board Minutes of November 7, 2005. Council Member Anderson seconded the motion, which carried.

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

Mayor Heitke recognized three firefighters who assisted with hurricane relief efforts. Jim Larson, Howard Carlson and Chad Johnson presented details of their work in Belle Chasse, Louisiana, under Task Force 4 which was comprised of firefighters from Minneapolis, Bloomington, Coon Rapids, Moorhead, Cottage Grove and Willmar. They presented pictures of the devastation and provided details of fire calls. They also served food, ice and water to the victims and provided on-call fire services to Venice, Louisiana, and other duties directed by FEMA. Mayor Heitke thanked the firefighters not only for the presentation, but for their service.

The Finance Committee Report for November 14, 2005, was presented to the Mayor and Council by Council Member Anderson. There were eight items for Council consideration.

Item No. 1 Laurie Ortega, Willmar Library Director, appeared before the Finance Committee to appeal the decision to reduce the Library's original request of City funds for 2006 from \$308,703 to \$289,414. In reviewing the Library's proposed 2006 budget with the Committee, Ms. Ortega pointed out that their reserves are down substantially and amount to less than half of the reserve amount required by the Pioneerland Library Systems Board for working capital. In an effort to build the reserve, Ms. Ortega was requesting that her original request be reinstated as the 2006 contribution from the City. After considerable discussion, this matter was referred to the full Council for consideration at its budget meeting scheduled for November 28, 2005. This matter was for information only.

Item No. 2 Mike Cruze presented a request to the Committee to reduce the storm sewer improvements deferred on a 1987 project that included the Hidden Valley Addition. In 2001, a Council resolution reduced similar assessments on Valleybrook tax forfeiture properties. These deferred assessments, with interest, total \$62,617.62. The original amount of the assessments was

\$29,782.50 without interest.

Following discussion, the Committee was recommending the Council forgive the accrued interest on the 1987 deferred storm sewer improvements leaving \$29,782.50 remaining due. Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

WHEREAS, the Willmar City Council deferred the assessments for stormwater improvements on Parcel 95-908-0060 [further described as Section 8, Township 119, Range 35; all that part of SW ¼ of SE ¼ lying N of Burlington Northern RR right-of-way excluding the E 270.1' also the S 60' of the N 790' of the E 270.1' of SW ¼ of SE ¼] in exchange for an easement across the property further documented as Resolution No. 8 in the April 1, 1987, Council Minutes; and

WHEREAS, a new proposal for residential development on this land will offer a much needed secondary ingress/egress to the development to the immediate north; and

WHEREAS, the deferred interest on the improvements now totals \$32,835.12.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the interest on the 1987 deferred storm sewer assessments be forgiven and that the original assessment of \$29,782.50 be certified for collection.

BE IT FURTHER RESOLVED that the owner be granted a thirty (30) day prepayment period whereby full payment may be made without interest and if not paid, the assessment to be placed on the tax rolls for collection over a ten (10) year period with an interest rate of seven (7%) percent, and that that County Auditor be notified to extend this assessment on the tax rolls payable in 2006 and thereafter. Pursuant to the platting of the proposed development the assessed amount shall be reapportioned to the buildable lots in the adopted plat.

Dated this 21st day of November, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Sam Lahanis of Donohue and Associates provided the Committee with an update on the progress of the financing timeline for the new Waste Water Treatment Project. The 2006 legislative session is the target date for submitting the final requests for the bonding bill as well as requests to other funding agencies. This matter was for information only.

Item No. 4 The Committee reviewed an executive summary from staff explaining that an application for a Currency Exchange License has been received from Darrell K. Sunvold d.b.a. Quick Funds, Inc. Minnesota Statutes require the governing body hold a public hearing to consider the matter.

The Committee was recommending the Council set a public hearing for December 5, 2005. Council Member Anderson moved to approve the recommendation of the Finance Committee with Council Member Dokken seconding the motion, which carried.

Item No. 5 Staff informed the Committee that the air conditioning unit at City Hall is no longer operational and needs to be replaced. To fund this replacement as well as perform some electrical updates, it was proposed to transfer funds from the 2003 Capital Outlay Budget to the 2005 Capital Outlay Budget. A total of \$12,500 had been initially budgeted in 2003 for this purpose, but those funds have not been used to date.

The Committee was recommending the Council approve the transfer of funds as proposed by Staff. Resolution No. 2 was introduced by Council Member Anderson, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the Capital Outlay Fund Budget as follows:

Increase:	2005 Capital Outlay	\$12,500.00
Decrease:	2003 Capital Outlay	\$ 12,500.00

Dated this 21st day of November, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee considered a proposal from Westberg, Eischens & Van Buren to conduct the 2005 audit at a cost of \$16,060 with an additional charge of \$2,100 for financial statement preparation. The proposal further provided that their fee would be the same for the 2006 audit and financial statement preparation.

The Committee was recommending the Council authorize Westberg, Eischens & Van Buren to conduct both the 2005 and 2006 audits/financial statement preparation in the amount of \$18,160 each year, and further that Staff be directed to rebid these services for 2007/2008.

Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a professional services contract with Westberg, Eischens and VanBuren for the City of Willmar's 2005 and 2006 audit.

Dated this 21st day of November, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 7 The Committee acknowledged receipt of the October 31, 2005, WRAC-8 Financial Report and the October 31, 2005, CVB Financial Report. This matter was for information only.

Item No. 8 The Committee Members were reminded of the Budget Meeting to be held at the Holiday Inn on November 28, 2005, beginning at 5:00 p.m.

Committee Members were also informed that the Willmar Chamber of Commerce is conducting an informational meeting for the public regarding the upcoming local option sales tax with a representative from the Minnesota Department of Revenue scheduled to speak as well. This meeting is to be held at the Willmar Convention Center on November 17, 2005. This matter was for information only.

The Finance Committee Report for November 14, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Dokken, and carried.

The Public Works/Safety Committee Report for November 15, 2005, was presented to the Mayor and Council by Council Member Reese. There were six items for Council consideration.

Item No. 1 The Committee considered a proposed Grant Agreement for Airport Improvements with the State of Minnesota for hangar relocation and associated costs. The agreement offers financial assistance from the State to cover 50 percent of the cost for the relocation of 11 aircraft storage hangars to the new airport. Included in the cost of the relocation is the foundation and floor at the new Airport. The agreement details the proportionate cost share for the project between state and local governments. Application for a 15-unit tee hangar has to be made with the State of Minnesota as well.

The Committee was recommending the Council approve grant agreement #89019 for relocation of aircraft hangars to the new Airport. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT FOR AIRPORT IMPROVEMENT

IT IS RESOLVED by the City of Willmar as follows:

1. That the State of Minnesota Agreement No. 89019, "Grant Agreement for Airport Improvement," for State Project No. 3401-58 at the New Willmar Municipal Airport is accepted.
2. That the Mayor and City Administrator are authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 21st day of November, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee reviewed the State Aid agreement for annual Airport maintenance and operation costs. As in the past, the state will reimburse the City two-thirds of the documented, routine maintenance costs with a not-to-exceed figure of \$43,362.00 for biennium 2006-2007.

The Committee was recommending the Council approve grant agreement #88459 for annual Airport maintenance and operation costs. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 5

AUTHORIZATION TO EXECUTE MINNESOTA DEPARTMENT OF TRANSPORTATION GRANT AGREEMENT FOR AIRPORT MAINTENANCE AND OPERATION

IT IS RESOLVED by the City of Willmar as follows:

1. That the State of Minnesota Agreement No. 88459, "Grant Agreement for Airport Maintenance and Operation," at the Willmar Municipal Airport.
2. That the Mayor and City Administrator are authorized to execute this agreement and any amendments on behalf of the City of Willmar.

Dated this 21st day of November, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 As a recommendation of the Airport Commission, the Committee considered a request from Willmar Air Service for the addition of windows in the FBO facility main hangar rolling doors. Without windows staff would have no visibility of the ramp any time the main doors are closed. Everstrong Construction has prepared a change order to add four windows in the amount of \$1,726.32.

The Committee was recommending the Council approve the change order in the amount of \$1,726.32 and authorize staff to determine funding from the existing project budget. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 6

WHEREAS, a contract has been awarded to Everstrong Construction of Redwood Falls, Minnesota, on May 13, 2005, in the amount of \$1,673,958.00 for construction of FBO Building at the new airport; and

WHEREAS, it is desired to add additional work to the above contract for four fixed windows in the hangar door.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. Additional work is herewith authorized to be added to the above contract in the amount of \$1,726.32 and identified as Change Order No. 1.
2. Funding for the additional work is from the project budget.

Dated this 21st day of November, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Public Works Director Odens gave a brief presentation to update the Committee on the progress of the WWTP Relocation Project. Donohue & Associates has continued the collection system evaluation, regulatory landscape, funding applications and strategy. An informational meeting was conducted in October to discuss the project progress with interested parties. There is another informational meeting scheduled for late January, 2006. This matter was for information only.

Item No. 5 The Committee considered a proposal from Widseth, Smith, Nolting & Associates, Inc. (WSN) consulting engineers, to provide professional engineering services for the preliminary layout of the new industrial park at the old Willmar Airport site. The proposal includes delivering to the City a map showing the main road corridors through the project area with alternative alignments, alternatives for typical road sections, and parcel layouts. Once the options are reviewed, the City will be able to take the next step toward more detailed design.

The Committee was recommending the Council accept the proposal of Widseth, Smith, Nolting & Associates, Inc. for a not-to-exceed amount of \$4,750.00. Resolution 7 was introduced by Council Member Reese, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 7

Whereas the City of Willmar desires to retain a firm to provide professional engineering services for the preliminary layout of the new industrial park at the old Willmar Airport site; and

Whereas a proposal has been made by, and an agreement prepared to retain, the firm of Widseth, Smith, Nolting & Associates, Inc. of Alexandria, Minnesota in a not to exceed amount of \$4,750.00 for said services;

Now therefore be it resolved by the City Council of the City of Willmar that said agreement be approved and that the Mayor and City Administrator be authorized to execute the same.

Dated this 21st day of November, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 City Administrator Schmit presented to the Committee a summary of a meeting to discuss the Grass Lake Restoration Project with County Commissioners Falk and Larson and several representatives of the Lake Wakonda Watershed Advisory Group. They acknowledged that there were probably numerous factors contributing to poor water quality and through a cooperative effort they might find a solution. The group was assured that the City has always, and continues to support the Grass Lake Restoration Project keeping in mind the City's share of the project costs need to be reasonable and equitable. This matter was for information only.

The Public Works/Safety Committee Report for November 15, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Anderson, and carried.

City Clerk Halliday informed the Mayor and Council that SuperValue Inc. dba Cub Foods has applied for an Off-sale Liquor License. Police Chief Kulset and City Attorney Ronning have reviewed all documents and found items in order. Following discussion, Council Member Anderson moved to approve the Liquor License as presented. Council Member Fagerlie seconded the motion which carried on a roll call vote of Ayes 7, Noes 0.

City Clerk Halliday informed the Mayor and Council that the Municipal Utilities Commission has requested the City certify unpaid utility charges of various properties as a lien on the real property. It was noted a hearing was offered to the property owners to object to the charges, and the MUC had received no requests for appearance. Following discussion, Resolution No 8 was introduced by Council Member Reese, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 8

WHEREAS, Section 16-127 of the Willmar City Code states that such unpaid utility bills represent a lien on the real property receiving utility services; and

WHEREAS, the Willmar Municipal Utilities Commission has offered the owner the right to request an appearance before the Commission to make objections to payment; and

WHEREAS, the Willmar Municipal Utilities Commission has adopted Resolution No. 41 on November 14, 2005, requesting the Willmar City Clerk-Treasurer to certify the unpaid utility charges as a lien on the real property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid utility charges totaling \$2,005.04 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2005 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid utility charges be certified against the real

property as follows:

1. Parcel No. 95-003-0150 \$244.63
Located at 313 8th Street NW
Described as Section 15, Township 119
Range 35, Block 2; Willmar, Town of (Original); Lot 3
2. Parcel No. 95-290-0020 \$276.61
Located at 720 8th Street NW
Described as Section 10, Township 119,
Range 35, Block 1; Harris Park Avenue Addition; Lot 2
3. Parcel No. 95-009-0100 \$85.06
Located at 1303 Gorton Avenue NW
Described as Section 15, Township 119,
Range 35, Block 125; Second Addition to Willmar
N. 100 FT. OF LOTS 1 & 2 EXC. W. 15FT. OF LOT 2
4. Parcel No. 95-006-6880 \$141.56
Located at 310 12th Street SW
Described as Section 15, Township 119,
Range 35, Block 109; First Addition to the Town of Willmar; Lot 4
5. Parcel No. 95-006-8440 \$174.13
Located at 1312 Becker Avenue SW
Described as Section 14, Township 119
Range 35, Block 120; First Addition to the Town of Willmar
W'LY 90FT. of Lots 8 & 9
6. Parcel No. 95-280-0020 \$146.69
Located at 415 Kandiyohi Avenue SW
Described as Section 15, Township 119,
Range 35, Block 1; Hanson's Addition to Willmar; W 65 FT. of Lots 1 & 2
7. Parcel No. 95-130-0120 \$421.95
Located at 610 2nd Street SE
Described as Section 14, Township 119,
Range 35, Block 2; Carlson's Addition to the City of Willmar; Lot 2
8. Parcel No. 95-220-0920 \$167.01
Located at 322 Ferring Street SE
Described as Section 14, Township 119,
Range 35, Block 8; Ferring's Addition; Lot 2
9. Parcel No. 95-310-0030 \$179.85
Located at 324 Litchfield Avenue SE
Described as Section 14, Township 119, Range 35
Highland Addition to Willmar; Lot 4, W'LY 37.8 FT of Lot 3
10. Parcel No. 95-137-0160 \$167.55
Located at 613 26th Avenue NE

Described as Section 02, Township 119,
Range 35, Block 2; Country Club Terrace
LOT 3 & THAT PART OF VACATED 25TH AVE NE
DESC AS FLWS:COMM AT THE SW COR OF SD LOT
3,TH S'LY ON W'LY EXTENSION OF LOT 3, 20',
TH E 100', TH N'LY 20' TO SE COR OF LOT 3,
TH W'LY 100' TO PT OF BEG.

Dated this 21st day of November, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Planning and Development Services Director Peterson presented to the Mayor and Council a Final Plat for Gesch Acres, a three-lot commercial plat being developed by Gesch Properties. The plat includes the existing Cash Wish site, 4th/5th Street Southeast realignment, and two lots to the east. Reapportionment and street vacation will be completed prior to plat recording. Council Member Fagerlie moved to approve the Final Plat for Gesch Acres with Council Member Gardner seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a Final Plat for North Creek, a Planned Common Interest Community proposed by LCR Properties. Several of the lots are already developed with buildings. The common interest community unit development is to allow for an association with common area, private street, greenspace, etc. Council Member Reese moved to approve the Final Plat for North Creek with Council Member DeBlieck seconding the motion, which carried.

Planning and Development Services Director Peterson informed the Mayor and Council that the portion of 4th Street Southeast being petitioned for vacation has been realigned 150' to the east of Cash Wise. The newly constructed street to the east is 5th Street Southeast; and as the new street is being completed, the existing street needs to be vacated as it becomes part of the Cash Wise lot. The Planning Commission has approved of the street vacation. Resolution No. 9 was introduced by Council Member Dokken, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 9

RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE VACATION OF A PORTION OF PUBLIC STREET

BE IT RESOLVED by the City Council of the City of Willmar conduct a public hearing at 7:04 p.m. on Monday, December 5, 2005, in the Council Chambers at the Municipal Utilities Commission Building, 700 SW Litchfield Avenue, Willmar, Minnesota.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider a petition for the vacation of that portion of the dedicated street as described below:

That part of the NW ¼ of the NW ¼ of Section 23, Township 119, Range 35, described

